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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.3013 OF 2006

The State of Maharashtra ...Appellant
Vs.
Shri Mahesh Chintaman Patil & Ors. ..Respondents

Shri A.R.Patil, A.G.P for the Appellant.
Shri M.B.Kotak for the Respondent Nos.1 to 5.
Smt Poonam P. Bhosale for the Respondent No.6.

AND
FIRST APPEAL NO.1657 OF 2006

The State of Maharashtra ...Appellant
Vs.
Chandrakant G. Patil & Ors. ..Respondents

Shri A.R.Patil, A.G.P for the Appellant.
Shri M.B.Kotak for the Respondents.

AND
FIRST APPEAL NO.362 OF 2005

The State of Maharashtra ...Appellant
Vs.
Smt Sushila Kundlik Thodkar & Ors. ..Respondents

Smt G.P.Mulekar, A.G.P for the Appellant.
None present for the Respondents.

WITH
FIRST APPEAL (ST) NO.26218 OF 2006

The State of Maharashtra ...Appellant
Vs.
Suresh Krishna Pungaonkar & Anr. ..Respondents

Shri A.R.Patil, A.G.P for the Appellant.
Shri T.J.Mundan for the Respondent No.1.

AND
FIRST APPEAL (ST) NO.26214 OF 2006

The State of Maharashtra ...Appellant
Vs.
Smt.Yashoda Waman Patil & Ors. ..Respondents

Shri A.R.Patil, A.G.P for the Appellant.
Shri T.J.Mendon for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : MARCH 08, 2007.

P.C.:

1. Heard the learned A.G.P appearing for the Appellant

and the learned Advocates appearing for the Respondents. These Appeals are preferred by the State of Maharashtra through Directorate of Insurance, Government of Maharashtra. The Appeals take exception to the Judgements and Awards made by the Motor Accident Claims Tribunal in Claim Petitions under section 166 of the Motor Vehicles Act, 1988. It is not in dispute that the Appellant State of Maharashtra has preferred these Appeals in its capacity as the insurer of the offending vehicles involved in the accidents. In First Appeal Stamp No.26214 of 2006, the learned A.G.P has produced a copy of the policy issued by the Appellant and it is submitted that in all the cases a similar policy has been issued.

2. Since the Appeal is preferred by the Insurer, the same will be governed by the decision of the Apex Court in the case of National Insurance Company Ltd. Vs. Nicolletta Rohtagi ((2002) 7 Supreme Court Cases Page 456). Admittedly, in none of these cases, a leave under section 170 of the said Act of 1988 was applied for. In none of these cases a defence which covered by section 149(2) of the said Act of 1988 has been raised by the Appellant.

3. Thus, in view of the law laid down by the Apex Court in the case of National Insurance Company Ltd (Supra), the Appeals at the instance of the Appellant are not maintainable.

4. Accordingly, Appeals are dismissed with no orders as to costs.

JUDGE